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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/658,439
Filing Date: September 08, 2003
Appellant(s): WHITE ET AL.

Jonathan O. Owens
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/12/2010 appealing from the Office action mailed 11/27/2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,892,230	Gu et al.	5-2005
2002/0194309	Carter et al.	12-2002
2002/0046278	Hays et al.	4-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-11, 13-17, 19-23, 25-27, 29-34 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. (hereinafter Carter)(US Pub. No. US 2002/0194309 A1) in view of Hays et al. (hereinafter Hays)(US Pub. No. 2002/0046278).

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Regarding claims 1, 2, 8, 9, and 15, Carter discloses as follows:

A media server (master digital multimedia device, reference character 112 in figure 1, see, e.g., page 3, paragraph [0027], lines 4-10) comprising;

A database to store content data (multimedia database, reference character 106 in figure 1, see, e.g., page 3, paragraph [0028]);

The content source database is capable of communication with other network devices to deliver the data stored in the database (see, e.g., page 3, paragraph [0028]); and

A content directory service to browse the content data stored in the database and to provide information regarding the content data stored in the database (the user can select the desired multimedia works to be synchronized and download for storage on the digital multimedia device from the music multimedia database and the selected digital data is downloaded from the music multimedia database into the data storage memory unit of the digital multimedia device, see, e.g., page 4, paragraph [0031]).

Carter does not explicitly teach a content directory service to maintain directory information related to new content received and an interface layer coupled to communicate with the synchronization application and the content directory service to discover new content data and provide update information to the content directory service regarding the new content data received by the database from the external device during content data synchronization

Hays teaches as follows:

A content directory service to maintain directory information related to new content received (the distribution server provides its directory to the collection kiosk to retrieve the new information, see, e.g., page 2, paragraph [0022]);

A content directory service to browse the content data stored in the database (the description of web pages are stored in a certain directory of the file system and a user of the collection kiosk uses the browser to browse the various web pages (see, e.g., page 3, paragraph [0026]));

The server interface (equivalent to applicant's interface layer) is responsible for accessing the central medical information system to retrieve updated content (see, e.g., page 3, paragraph [0026]); and

The server interface stores the updated content in the web page directory (equivalent to applicant's content directory service) to overwrite or augment existing web page content (see, e.g., page 3, paragraph [0026]).

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to combine Hays with Carter in order to efficiently synchronize multiple devices each other via a central database so that all the devices have the same content and content management.

Regarding claims 3, 10, 16, and 22, Carter discloses that the external device or the network device is a second media server (the digital multimedia player, 104 in figure 1, automatically performs the synchronization and download function between master and subordinate digital multimedia devices which means the digital multimedia player

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works exactly same as the master digital multimedia player, see, e.g., page 4, paragraph [0032], lines 1-5).

Regarding claims 4, 11, 17, and 23, Carter discloses that the external device or the network device includes an Internet service (network system connects all external devices is the Internet representing a worldwide collection of networks and gateways that use the TCP/IP suite of protocols to communicate with one another, see, e.g., page 3, paragraph [0027], lines 16-19).

Regarding claims 6, 7, 13, 14, 19, 20, 25, 26, 29, 30, 36, and 37, Carter discloses that the content data includes media files such as audio, video, graphic, and text data (see, e.g., page 4, paragraph [0033], lines 14-18).

Regarding claim 21, it is rejected for similar reason as presented above in claim 1.

The examiner interpreted the first update information as updating from the external devices to the database and the second update information as updating from other than the external devices to the database then later synchronized to the external devices.

Carter further teaches several synchronization directions, from a database to multimedia devices (see, e.g., page 3, paragraph [0031], from the master multimedia devices to subordinate multimedia device (see, e.g., page 4, paragraph [0032] and from subordinate multimedia device to master multimedia device (see, e.g., page 4, paragraph [0032]).

Carter does not explicitly disclose synchronization process from the external device to the database.

Hays teaches as follows:

the synchronization process from the external device to the database (the central medical information database may contain the medical information collected through the collection kiosks and collected through other sources, see, e.g., page 2, paragraph [0023] and figure 8);

A content directory service to maintain directory information related to new content received (the distribution server provides its directory to the collection kiosk to retrieve the new information, see, e.g., page 2, paragraph [0022]);

A content directory service to browse the content data stored in the database (the description of web pages are stored in a certain directory of the file system and a user of the collection kiosk uses the browser to browse the various web pages (see, e.g., page 3, paragraph [0026]));

The server interface (equivalent to applicant's interface layer) is responsible for accessing the central medical information system to retrieve updated content (see, e.g., page 3, paragraph [0026]); and

The server interface stores the updated content in the web page directory (equivalent to applicant's content directory service) to overwrite or augment existing web page content (see, e.g., page 3, paragraph [0026]).

Regarding claims 27 and 31, Carter teaches as follows:

A method of synchronizing data between two network devices (see, e.g., paragraph [0016], lines 1-3), the method comprising:

Sending first update information to a content directory service (visual display means) from an interface layer (control unit) regarding a first new content data received by a first media device (data storage memory unit of the digital multimedia device) from a second media device (music multimedia database) during content data synchronization performed by a synchronization application (see, e.g., page 3, paragraph [0030] and paragraph [0031] and figure 3);

Sending second update information to the synchronization application (processor, 302 in figure 3) from the interface layer (control unit) regarding a second new content added to the first media device (data storage memory unit, 312 in figure 3, of the digital multimedia device), wherein the second new content data is synchronized with the second media device (music multimedia database) during a next content data synchronization (see, e.g., page 3, paragraph [0030] and paragraph [0031] and figure 3), thereby maintaining by the content directory service directory information related to the first new content received (content management means, see, e.g., page 5, paragraph [0045], therefore the system allows multiple devices to synchronize its internal collection with each other); and

Sending the first update information to the content directory service and sending the second update information to the synchronization application are performed automatically (see, e.g., page 4. paragraph [0032], lines 1-5).

Hays further teaches regarding the content directory service and the interface layer as follows:

A content directory service to maintain directory information related to new content received (the distribution server provides its directory to the collection kiosk to retrieve the new information, see, e.g., page 2, paragraph [0022]);

A content directory service to browse the content data stored in the database (the description of web pages are stored in a certain directory of the file system and a user of the collection kiosk uses the browser to browse the various web pages (see, e.g., page 3, paragraph [0026]));

The server interface (equivalent to applicant's interface layer) is responsible for accessing the central medical information system to retrieve updated content (see, e.g., page 3, paragraph [0026]); and

The server interface stores the updated content in the web page directory (equivalent to applicant's content directory service) to overwrite or augment existing web page content (see, e.g., page 3, paragraph [0026]).

Therefore, they are rejected for similar reason as presented above in claim 1.

Regarding claims 32-34 and 38, Carter discloses as follows:

A method or an apparatus of synchronizing data between two network devices (see, e.g., page 2, paragraph [0016], lines 1-3), the method comprising:

Performing data synchronization between a first media server and a second media server (see, e.g., page 3, paragraph [0031], lines 2-8);

Receiving content data related to the data synchronization on the first media server (data storage memory unit, 312 in figure 3, of the digital multimedia device, see, e.g., page 3, paragraph [0031], lines 12-18);

Obtaining update information related to the received content data from a synchronization application on the first media server (see, e.g., page 3, paragraph [0031], lines 21-24);

Providing the update information to a content directory service (visual display means) of the first media server (see, e.g., page 3, paragraph [0030], lines 16-21); and

Updating the content directory service according to the update information (see, e.g., page 3, paragraph [0031], lines 21-24 and paragraph [0030], lines 16-21), thereby maintaining by the content directory service directory information related to the received content data (content management means, see, e.g., page 5, paragraph [0045], therefore the system allows multiple devices to synchronize its internal collection with each other).

Carter does not explicitly disclose synchronization process from the external device to the database.

Hays teaches the synchronization process from the external device to the database (the central medical information database may contain the medical information collected through the collection kiosks and collected through other sources, see, e.g., page 2, paragraph [0023] and figure 8).

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to combine Hays with Carter to include synchronization from

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multimedia devices to a database in order to efficiently synchronize multiple devices each other via a central database so that all the devices have the same content and content management.

Regarding claims 39 and 40, they are rejected for similar reason as presented above in claims 1 and 8.

Carter further teaches automatically providing update information (the digital multimedia device (equivalent to applicant's media server) allows the user, via the control unit (equivalent to applicant's interface layer) to request and download new recorded data (equivalent to applicant's new content data) into the digital multimedia device or program the digital multimedia device to synchronize and update the user's files automatically from a multimedia database (equivalent to applicant's database), see, e.g., page 4, paragraph [0031]).

3. Claims 5, 12, 18, 24, 28, 35, 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. (hereinafter Carter)(U.S. Pub. No. US 2002/0194309 A1) in view of Hays et al. (hereinafter Hays)(US Pub. No. 2002/0046278), and further in view of Gu et al. (hereinafter Gu)(U.S. Patent No. 6,892,230 B1).

Regarding claims 5, 12, 18, 24, 28, and 35, Carter in view of Hays teach all the claim limitations of claims 1, 8, 15, 21, 27, and 32 as explained above except for disclosure of the media server is a Universal Plug and Play enabled device and the content directory service is a Universal Plug and Play content directory service.

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The general concept of enabling a Universal Plug and Play featured device and service is well known within the art as illustrated by Gu which teaches a Universal Plug and Play (see, e.g., col. 5, lines 20-29).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Gu with Carter in view of Hays to include using a Universal Plug and Play enabled device and service as taught by Gu in order to avoid user installation experience, persistent relationship configurations and software driver download whenever connecting multiple network devices together.

Regarding claims 41 and 42, Carter in view of Hays teach all the claim limitations of claims 1, 8, 15, 21, 27, and 32 as explained above except for disclosure of the media server is a Universal Plug and Play enabled device and the content directory service is a Universal Plug and Play content directory service.

Therefore, they are rejected for similar reason as presented above in claim 5.

(10) Response to Argument

Appellants' arguments and Examiner's responses as follows:

Appellants' argument:

The combination of Carter and Hays does not teach to automatically provide update information to the content directory service regarding the new content data

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received by the database from the external device during the content data synchronization without user.

Examiner's response:

Carter in view of Hays teaches as follows:

Carter further teaches automatically providing update information (the digital multimedia device (equivalent to applicant's media server) allows the user, via the control unit (equivalent to applicant's interface layer) to request and download new recorded data (equivalent to applicant's new content data) into the digital multimedia device or program the digital multimedia device to synchronize and update the user's files automatically from a multimedia database (equivalent to applicant's database), see, e.g., page 4, paragraph [0031]). Such the program inherently does not require user intervention while running the program.

Hays teaches the deficiency of Carter as follows:

A content directory service to maintain directory information related to new content received (the distribution server provides its directory to the collection kiosk to retrieve the new information, see, e.g., page 2, paragraph [0022]);

Once the collection kiosk receives the update information, it can update its local list of registered users accordingly (see, e.g., page 2, paragraph [0022]);

The server interface (equivalent to applicant's interface layer) is responsible for accessing the central medical information system to retrieve updated content and registered user updates (see, e.g., page 3, paragraph [0026]); and

The server interface stores the updated content in the web page directory

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(equivalent to applicant's content directory service) to overwrite or augment existing web page content (see, e.g., page 3, paragraph [0026]).

Therefore, Hays teaches an interface layer used in synchronization to discover the new content data and to provide update information.

Appellants' argument:

The combination of Carter and Hays does not teach an interface layer coupled to communicate with the synchronization application and the content directory service to discover the new content data and provide update information to the content directory service regarding the new content data received by the database from the external device during the content data synchronization.

Examiner's response:

Hays teaches the deficiency of Carter as follows:

Interface layer (interpreted as server interface) coupled to communicate with the synchronization application (any software program to update or retrieve new information) and the content directory service to discover the new content data (the distribution server provides its directory to the collection kiosk to retrieve the new information, see, e.g., page 2, paragraph [0022]) and provide update information to the content directory service regarding the new content data received by the database from the external device during the content data synchronization (the server interface stores the updated content in the web page directory (equivalent to applicant's content

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directory service) to overwrite or augment existing web page content, see, e.g., page 3, paragraph [0026]).

Therefore, Carter in view of Hays teach the interface layer coupled to communicate with the synchronization application and the content directory service to discover the new content data and provide update information to the content directory service regarding the new content data received by the database from the external device during the content data synchronization.

Appellants' argument:

The combination of Carter and Hays does not teach an interface layer that is a part of the media server.

Examiner's response:

Hays teaches as follows:

The server interface (equivalent to applicant's interface layer) is responsible for accessing the central medical information system to retrieve updated content (see, e.g., page 3, paragraph [0026]); and

The server interface stores the updated content in the web page directory (equivalent to applicant's content directory service) to overwrite or augment existing web page content (see, e.g., page 3, paragraph [0026]).

Since Hays teaches all functionalities of the interface layer, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Carter in view of Hays to include the interface layer in the media server.

Appellants' argument:

The combination of Carter and Hays is improper.

Examiner's response:

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, Hays teaches of the deficiency of Carter, the interface layer. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Carter with Hays in order to efficiently synchronize multiple devices by using a server interface taught by Hays in the knowledge generally available to one of ordinary skill in the art.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/J. S. P./

Examiner, Art Unit 2454

June 30, 2010

/NATHAN FLYNN/

Supervisory Patent Examiner, Art Unit 2454

Conferees:

/NATHAN FLYNN/

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